

# Commercial



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HONOLULU, HAWAII TERRITORY, THURSDAY, OCTOBER 2, 1902.

PRICE FIVE CENTS.

## COOPER WILL ACT FOR BOYD

Secretary to Sign Public Works Vouchers.

## GOVERNOR TAKES DECISIVE ACTION

Boyd Did Not Return and Department Is Prevented From Doing Work.

Governor Dole yesterday designated Secretary Cooper to take charge of the Department of Public Works as agent, and Mr. Cooper immediately approved the vouchers of the department in order that salaries may be paid. The warrants will be made up by the audit department before Saturday.

The action of the Governor was taken after an Executive Council meeting at which Attorney General Dole rendered an opinion upon the legal questions involved, and upon the authority of the governor to appoint a chief clerk in the absence of Boyd.

The Attorney General holds that the Organic Act gave the governor power to appoint all officials not specially provided for by law, but that it cannot be restricted to "provided by statute." From time immemorial the Minister of Interior appointed the chief clerk, and the Civil Laws of 1897 fixed "Hawaiian National Usage" as a part of the law.

Mr. Dole says: "Furthermore, the Superintendent of Public Works is responsible to the public, and to a greater or less extent to the Governor, for an honest and efficient discharge of most important duties. I do not see how he can be justly held to account for anything beyond his own personal acts if his subordinates are appointed by another; and however great the present exigency may be, it seems to me that construing the words of the statute last quoted 'as provided by statute,' and ignoring the words of the statute last quoted 'as established by Hawaiian national usage,' would, in effect, centralize nearly all the powers of administration solely in the Governor. As a matter of sound public policy, I believe that the tendency should be in the opposite direction."

Quoting then the Organic Act which makes the governor responsible for the execution of the laws of the Territory, the opinion concludes:

"The Superintendent of Public Works is in California; the Assistant Superintendent is disabled by an accident; the chief clerk is in jail and the functions of the department have come to a standstill. I am indebted to the suggestion of Secretary Henry E. Cooper that the provisions of the Organic Act last quoted furnish a remedy for existing conditions. I greatly doubt whether you have the power to appoint an Acting Superintendent of Public Works or a chief clerk; but, pursuant to your statutory duty to enforce the laws of the Territory and prevent a collapse of the functions of one of its chief departments, it seems to me that you can appoint an agent with temporary authority to act as your representative until the Superintendent's return. I refrain from expressing an opinion that such agent will be entitled to pay from the territorial treasury or from any other source."

## GOV. DOLE TO SECRETARY COOPER.

The following is the letter sent by Governor Dole to Secretary Cooper yesterday:

Honolulu, October 1st, 1902. Sir:—Owing to the absence from the Territory of Jas. H. Boyd, Superintendent of Public Works, it is at present impossible for the faithful execution of the laws of the Territory of Hawaii, in respect to his office, and as the necessity of public business requires the appointment of some person authorized to discharge the duties of the Supt. of Public Works during his absence, I

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## BANKERS BUY BONDS OF THE HILO RAILWAY COMPANY

Before leaving in the Sierra Tuesday the representatives of Rollins & Company, bankers, completed a deal whereby they showed their faith in Hawaiian securities. Beside purchases of Olua stock personally by each member of the company who was here, Vice President Bachelder of the banking house bought \$123,000 of the bonds of the Hilo Railroad Company.

This is probably only the first installment of purchases of the same security, but it was of sufficient amount to show their faith in the property, and was made after the most searching investigation into the road and its surroundings. The bonds were purchased at a good price which is not given out, and will go into the hands of the customers of the house both in San Francisco and the East. The purchases were made of the B. F. Dillingham Company, as all the bonds of the road have been placed by the company.

It is understood that the investigations of the bankers will bear fruit in the near future in other investments here, and that they left with the greatest confidence in the islands and the industries.

### Lowrie Railroad.

W. J. Lowrie is general manager of a railroad known as the Ponee-Guayama line, running 45 miles through a rich section of Porto Rico. Twenty miles of track are now in operation for freight and the rest is building. A population of 150,000 people and a large area of sugar land will be served.

## PEARY GIVES UP THE QUEST

PORTLAND, Maine, Sept. 25.—Lieutenant R. E. Peary, the Arctic explorer, has arrived here. In an interview he said:

"On no account shall I make an effort to return to the north. I have done all that could be done with the facilities at my command and I shall now resume my duties in the Navy, reporting to the Department at Washington in a few days.

"The pole can be reached. It is a question of money and of the explorer's outfit. Could I have put my ship as far north as I intended and as I could have done had she been equal to the requirements, I could have made the pole.

"Possibly had I covered the 350 miles between where I turned back and the pole, I might have added nothing to our information as to the extreme polar conditions. We can very well conjecture conditions surrounding the pole. I am confident it is in the ocean that is, no land is there.

"Money will do it—money in the right hands. No not millions either. Two hundred thousand would do it. For this amount I could keep a party in the north ten years and follow my original plan for marching by the stages on the pole. A good ship, plenty of time and sufficient money will do it."

Peary's foot, which was frozen, is doing well and he believes he may be able to do without an operation.

## CONSUL AND MISSIONARY. The American Representative at Tahiti Will Do Religious Work.

LOS ANGELES, Sept. 24.—The Los Angeles Presbytery today ordained as Minister of the Gospel, Wm. R. Doty, the newly appointed United States Consul to Tahiti. The situation is a unique one, both in the religious and political world, as the government usually holds that such officials cannot fill two positions at one time, but while in its employment must drop all other business, spiritual as well as temporal.

When Rev. Doty came to present his credentials to the State Department however, strenuous objections were made to the ministerial work which he had in view. The applicant had his own ideas of the amount of work which would be required there, and made such a good exhibition of the light duties of the place that Colonel J. J. McCook finally agreed that he be accepted and allowed to do as he thought best in the matter. Secretary Hay took this under advisement and finally reported favorably. Tomorrow Rev. Doty sails from San Francisco for his far-off island home.

### Cable for Us in Eighty Days.

SAN FRANCISCO, September 25.—"Within eighty days messages will pass over the Pacific cable between San Francisco and Honolulu."

This positive statement was made yesterday by Richard V. Dey, the local representative of Clarence H. Mackay, son of the late John W. Mackay.

## GOV. DOLE'S REPORT ON PORTO RICANS

Department of Justice in Accord With the Substantial Interests of This Territory.

Terms With the Cable Men Likely to Be Satisfactory—The Henderson Case Sensational.

(Special to the Advertiser.)

WASHINGTON, D. C., Sept. 20.—The Secretary of the Interior has received from Gov. Dole a lengthy report on the conditions of Porto Ricans in the Hawaiian Islands. Complaint was filed with the Secretary some weeks ago by the Governor of Porto Rico, in behalf of these people who had gone to Hawaii to work on the sugar plantations. The matter was referred to Gov. Dole for report, as previously stated in my letters.

Secretary Hitchcock has not to date made public the contents of Gov. Dole's report but it is well understood to consist of numerous affidavits, intended to show that the complaints are on the whole unfounded. However much the situation of these Porto Ricans may be deplored, the affidavits are understood to show that there is no blame on the part of the territorial administration. The governor of Porto Rico asked that the government assist in transporting these people back home, but it is practically certain that no assistance of this kind can be rendered. The Porto Ricans must pay their own way back to their homes, just as any other citizens of this country would have to do if they wanted to make the same journey.

### JUDGE DE BOLT'S APPOINTMENT.

President Roosevelt made the appointment of Judge De Bolt, which I telegraphed by a recent steamer, earlier than was expected but the appointment is regarded here as emphasizing his desire to recognize the substantial interests of the island, which have its welfare most at heart. It is not likely

that Hawaii will be inflicted with more annoying appointments to the bench for some time. The matter was gone over very thoroughly at the Department of Justice, Attorney General Knox and the President having a full understanding of the situation.

### THE PACIFIC CABLE.

The Department of Justice has no further information about the acceptance of its terms for the laying of a Pacific cable from San Francisco to Honolulu and Manila. It is expected that the cable company will either accept the terms prescribed for the landing of the cable or secure some modifications before the work is undertaken. The absence of Attorney General Knox as well as of President Roosevelt will return to Washington for the season in about two weeks, or by October 7. While there is no definite information about it there is a feeling that the terms will be satisfactorily arranged at an early day.

### GRAND ARMY OF THE REPUBLIC.

The preparations here are now at their height for the 36th annual encampment of the Grand Army of the Republic. The indications are that it will be the greatest gathering of that organization ever held. The railroads are offering very reasonable terms from all over the country and they estimate that there will be 300,000 visitors in the city. The parade of veterans will probably comprise 40,000 old soldiers and will be one of the most notable events since the grand parade of the armies of Grant and Sherman in

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## WRIGHT'S HACKMAN TELLS HOW HE WENT TO WHARF

A Sensational Story in Which Mrs. Wright and Attorney Magoon Figure—The Latter Denies the Tale In Toto.

On the day of his flight, Treasurer Wright took for his trip to the Inter-Island and Oceanic wharf the identical hack which was used later by his wife in her trip home for necessities, and as well by J. A. Magoon, his attorney, to reach the dock. John P. Cook, one of the native drivers, in charge of hack No. 60, had the driving of the trio on the morning in question, and his story tells of movements which seem to lead up to the supplying of a link in the chain of evidence that the Alameda carried away the former Treasurer. Soon after 10 o'clock on the morning of September 24th, Cook, whose hack was the last in line on the Merchant street stand, was called from the corner of Alakea street. He tells the story of what happened after that call thus: "I looked back and saw Mr. Wright standing in front of the Telephone office. I went to him and he told me to drive down Alakea street. I went to the waterfront and along to the passage between the Inter-Island and the

Oceanic wharves. He paid me and then went into the wharf.

"I went back to the stand and was again the last man on it, and was away back owing to the presence of the drays in front. While I was standing there, at about a quarter past 11 o'clock, I was hailed again and went back to the door of the Magoon Block, where Mr. Magoon was standing. He went up stairs and I waited until Mrs. Wright came down and she directed me to drive her home. We went by Miller street and stopped to see an elderly woman, at a house near the church, and Mrs. Wright then went home. She came out of the house and sent me back for the woman, who was superintending something about the house in Miller street, and I brought her there. While I was standing in front of the Wright house, Mr. Magoon drove up behind, some 200 feet, and sent the native driver of the hack into Wright's house, with a small bag.

"Later Mrs. Wright, heavily veiled, came out with a handbag, a suitcase it was, and putting in into the hack I drove her to Magoon's office. She left

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## REPUBLICAN COMMISSION WORK ON MUNICIPAL BILLS

The Republican commission, appointed to draft bills to provide for county and city governments, got down to work yesterday in earnest. The second meeting of the five men comprising the body was held in the office of W. O. Smith, and organization was effected by the selection of Mr. Smith as chairman of the body. There was a full attendance, and in addition Joseph G. Pratt was there at the invitation of the members of the commission.

The discussion of the work before the members proceeded on general lines. The resolution under which they were named provides that there shall be one bill for the creation of counties and another under which such cities or towns as by vote shall signify their desire to erect municipalities shall have the right so to do. It was the opinion of the members that there should be the most simple forms used and that the bills primarily should be drawn in skeleton form, so that there might be filled in the various provisions which will insure measures fitted to local conditions.

Mr. Pratt was then secured by the commission to draft the two measures and he will get at the work immediately. He will be guided by the recent Wyoming legislation based on that of New York, and the program of the National Municipal League. In every sense the bills will be made as simple as possible, so that they will form an organic law upon which will be based the full and complete structure of local governments. The commission will meet next when Mr. Pratt has completed his draft of the county bill for the consideration of the committee.

## ROOSEVELT FORCED TO ABANDON TRIP

MINNEAPOLIS, Sept. 23.—President Roosevelt was compelled this afternoon to abandon his tour through the Northwest and submit to a hurried operation for a rapidly forming abscess in his left leg, the result of the recent trolley accident at Pittsfield, Mass. He is now being hurried to Washington on his special train. In the Pittsfield accident the President received an injury to his leg, of which he said nothing at the time and which he has carefully concealed from the public, fearing undue alarm on the part of his friends and unrest on the stock exchange.

For days the President has been suffering great pain, but he has continued to make speeches and to follow out the program of his tour. He showed his calmness and nerve today in sacrificing himself to save the stock market and the Wall street operators, that their disastrous financial crash. All day the President, against the advice of his physicians, insisted on continuing with the day's speech-making. Every movement was agony, but he made six speeches and remained on his feet for three hours and a half to keep the news of his illness from becoming generally known until the close of the New York Stock Exchange. He had intended to keep up the struggle until 4 p. m., but at 3:35 p. m. his suffering became so severe that Dr. George A. Lund, who is attending him, insisted on an immediate operation. When he was assured that the stock market had been closed for fifteen minutes he submitted to the will of his physician.

"Was the operation delayed by the President with the intention of preventing a crash in the stock market?" Secretary Cortelyou was asked this evening.

"Yes, he did it deliberately," said Mr. Cortelyou. "We waited until the markets closed. It was all done with a purpose."

## SEN. MITCHELL'S DAUGHTER ILL

PARIS, Sept. 21.—The Duchess of Rochefoucauld, who is a daughter of United States Senator John H. Mitchell of Oregon, was successfully operated on yesterday for appendicitis. Her condition today is satisfactory.

The Duchess of Rochefoucauld was married to Francis Alfred Gaston de la Rochefoucauld, Duke of Rochefoucauld, on February 11, 1881. She was known as "the beautiful Mattie Mitchell" and is a woman of rare intellect as well as beauty.

During her residence in Paris as a leader of the Faubourg Saint Germain she enjoyed a peculiar prominence. She has done some literary work and is always prominent in charitable affairs.

## MAY CLOSE CEMETERIES IN THE CITY

Board of Health Is Considering Action.

## SAID TO MENACE PUBLIC HEALTH

City Sanitary Officer Tracy Makes Report on Burial Grounds Within City.

The Board of Health is considering the advisability of closing city cemeteries which are a menace to the public health. Acting upon the suggestion made at a former meeting City Sanitary Officer Tracy presented a report yesterday upon the conditions and surroundings of each cemetery, with a view to guiding the board in its action. The report says that there are five cemeteries inside the mile limit, namely: Kawaiahaeo, Catholic, Pauoa Church, Hook Chu Co., and Yee King Tong.

Outside the mile limit, but inside the city limits, are: Makiki, Nuuanu, Kalaepohaku. Also there are the Chinese cemetery, in Manoa valley, the Manoa Church cemetery, the Diamond Head cemetery and the Waikiki Church cemetery; also the Kalihi Church cemetery, the Kalihi-waena (Catholic) cemetery, Pueo and Kaunakapili.

Kawaiahaeo cemetery is said to be the oldest in the city, and though there are but 575 graves in sight, over five times that number of people are buried there. There is no drainage to any source of water but the cemetery is in a congested portion of the city and for this reason the sanitary officer thinks it should be closed.

The Catholic cemetery on King street is also crowded and the Mission has practically ceased burying in this place. Bodies are often buried in the same grave, one on top of another, and at a less depth than six feet. A portion at least is said to be unfit for use, because the water from it drains into ponds, where natives fish.

Pauoa Church cemetery on Pauoa road is very old and the Hook Chu Co. cemetery also adjoins the Pauoa church. Both adjoin the school premises and should be closed.

Makiki cemetery on Pensacola street and Wilder avenue has about 2,582 burials and the cemetery slopes toward Pensacola street, the neighborhood being well settled.

Nuuanu cemetery on Judd street is not more than half filled and the residences in the neighborhood are few in number, and have large grounds. The Yee King Tong Association cemetery on Punchbowl slope is just above the Portuguese settlement. It has been in use for twenty years, and there are few graves owing to the Chinese custom of sending the bones of deceased relatives to China.

The Manoa cemetery (Chinese) is only about half full but the city sanitary officer recommends that no burials be permitted within fifty feet of a water ditch that runs through the land. He adds, "A thrifty Chinaman is cultivating a part of the cemetery and raising pineapples between the graves."

Kalaepohaku cemetery, above the insane asylum, has but one objectionable feature—several springs at its base may be polluted by seepage.

Pueo cemetery at Palama is reported to be practically isolated, while Kaunakapili Church cemetery is in a thickly populated section.

Kalihi-waena Catholic cemetery and Kahonohelo cemetery do not drain toward any stream or pond. There were 725 burials at all the cemeteries during the year which closed October 1st. The report was referred to the cemetery committee.